

The Honorable BRIAN D. LYNCH
Chapter 7 Proceeding
Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

| | | |
|-------------|---|------------------------------------|
| In Re: |) | Case No.: 10-45575 |
| |) | |
| BRAD BOWEN, |) | TRUSTEE'S OBJECTION |
| |) | TO <i>IN FORMA PAUPERIS</i> |
| |) | |
| Debtor(s). |) | |
| _____ |) | |

COMES NOW the Trustee, MARK D. WALDRON, by and through his attorney, ORLANDINI & WALDRON, P.S., and objects to the Debtor's application to waive the filing fee as follows:

1. It appears debtor has promised to pay a petition preparer. However a specific amount was not disclosed in the waiver or in the schedules.

2. According to the Statement of Financial Affairs, the debtor's monthly income averaged \$2,833.00 per month in 2009, however only lists \$1,863.00 in Schedule I.

3. Schedule B appears to be incomplete.

4. These applications are increasing because of apparent counseling by attorneys and petition preparers. They appear to be recommending *in forma pauperis* proceedings, yet charging a fee and expect the Courts and Trustees to be uncompensated. An issue is raised as to whether they violate Section 110 of the Bankruptcy Code in giving advice "concerning bankruptcy procedures and rights". Consideration should be given to

1 disgorging the attorney's / preparer's fee if the debtor is unwilling to pay the filing fee. If
2 this had been a pro bono or a strict pro se filing without assistance, the Trustee would not
3 be making this objection.

4 4. In addition, the Trustee requests that the Court withhold entry of any orders
5 granting the Debtor's application until more information is provided from the §341 Hearing.

6 WHEREFORE, the Trustee requests that the application be denied or that this
7 matter be set for hearing to allow the Trustee an opportunity to be heard on this issue.

8 DATED this 12th day of July, 2010.

9 ORLANDINI & WALDRON, P.S.

10 /s/ Mark D. Waldron

11 Mark D. Waldron (WSBA #9578)

12 Attorney for Trustee